

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN DOE,

Plaintiff,

ORDER

08-CV-6199L

v.

DONALD SELSKY,
J. WOOD,
D. SQUIRES,
C. SCHOONOVER,
SERGEANT HARVEY,
CHRISTINE A. ANTENORE,
PETER RUSSELL,
J. THOMPSON,

Defendants.

On March 7, 2013, the Court of Appeals for the Second Circuit issued an order in this case, stating that this Court “erred in ... finding most of Doe’s claims to be ‘clearly time-barred.’” The Court of Appeals remanded the action to this Court, with instructions to “determine whether defendant’s [sic] filings were exhaustive measures, and whether based on their dates his complaint is timely.”

In light of the Second Circuit’s remand, I believe both sides should submit additional briefs addressing the issues presented by that remand. Accordingly, it is hereby

ORDERED that defendants shall file a brief, not to exceed ten pages in length, addressing the issues presented by the Second Circuit's remand order, no later than forty (40) days after the date of issuance of this Order. Plaintiff shall file a response to defendants' brief no later than thirty (30) days after the filing of defendants' brief.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 12, 2013.